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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MIRAE ASSET SECURITIES CO. LTD.,

Plaintiff

v.

RYZE RENEWABLES HOLDINGS, LLC
and RYZE RENEWABLES NEVADA, LLC,

Defendants

Case No.: 2:23-cv-01492-APG-NJK

**Order Vacating Trial Date, Lifting the
Stay, and Requiring Parties to Submit a
New Discovery Plan**

The Ryze defendants (collectively, Ryze) waived their right to arbitrate under the relevant contracts, withdrew their motion to compel arbitration, and moved to dismiss as moot Mirae's amended complaint. I ordered the parties to confer about the impact of all this on the case. The parties have filed a Joint Status Report outlining their respective positions. ECF No. 178.

Mirae has filed an opposition to Ryze's motion to dismiss, so the amended complaint may not be moot. I will not decide that issue until Ryze files its reply in support of its motion.

The parties agree there is no need for a separate trial solely on the issue of arbitrability. *Id.* at 4. Mirae seeks to expand the scope of the February trial date to address all issues in this case, which Ryze opposes. I set that date based on the requirement in 9 U.S.C. § 4 that I "proceed summarily" to trial on the issue of arbitrability. Given that arbitrability is now moot, there is no need for an expedited trial, so I vacate the February 3-6, 2025 trial. Discovery has focused on arbitrability and related issues, but apparently the parties have not addressed all issues presented in this case. I thus return the case to the normal discovery and trial track. The

1 parties will confer about an amended discovery plan and submit their joint or individual
2 proposals to Magistrate Judge Koppe.

3 I THEREFORE ORDER that the February 3-6, 2025 trial setting is vacated.

4 I FURTHER ORDER that my prior stay of Ryze's counterclaims **(ECF No. 43) is lifted.**

5 I FURTHER ORDER the parties to confer about an amended discovery plan and submit
6 their joint or individual proposals to Magistrate Judge Koppe by January 30, 2025.

7 DATED this 9th day of December, 2024.

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10 ANDREW P. GORDON
11 CHIEF UNITED STATES DISTRICT JUDGE
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